



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Seventeenth Meeting Day

Thursday Afternoon

February 9, 2006

The Senate convened at 1:30 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Senator Garton yielded the gavel to Senator Zakas.

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 181: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said

bill be amended as follows:

Page 4, between lines 11 and 12, begin a new paragraph and insert:

"(d) If a hospital governing board has two (2) physician members under IC 16-22-2-7 or IC 16-22-2-8, only one (1) physician member must be an active member of the medical staff of the hospital or hold a position that is equivalent to being an active member of the medical staff of the hospital."

Page 8, line 13, after "(a)" insert **"to more than one thousand (1,000) consumers"**.

Page 8, line 14, delete "1681a)" and insert **"1681a(p))"**.

Page 10, line 26, delete "any or all" and insert **"either or both"**.

Page 10, delete lines 30 through 34.

(Reference is to HB 1101 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 24-2-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. This chapter is intended to provide a system of state trademark registration and protection that is consistent with the federal system of trademark registration and protection under the Trademark Act of 1946. A judicial or an administrative interpretation of a provision of the federal Trademark Act may be considered as persuasive authority in construing a provision of this chapter."

Page 1, line 5, delete "If the use of a mark has been discontinued with the" and insert **"The person who owns the mark has discontinued use of the mark and does not intend to resume use of the mark. A person's intent not to resume use of the mark may be inferred from the circumstances."**

Page 1, delete line 6.

Page 1, line 7, delete "resume may be inferred from circumstances."

Page 1, line 9, delete "of abandonment of the mark." and insert **"that the use of the mark has been abandoned."**

Page 1, line 10, delete "If the" and insert **"The"**.

Page 1, line 10, delete "acts of" and insert **"an act or"**.

Page 1, line 10, after "omission" insert **",."**

Page 1, line 11, delete "and commission, causes" and insert **"has caused"**.

Page 5, line 21, delete "set".

Page 5, line 21, strike "forth, but".

Page 5, line 21, delete "is".

Page 5, line 21, strike "not limited to," and insert "**include**".
 Page 5, line 33, after "on" insert "**or in connection with**".
 Page 5, line 33, delete "and the" and insert ";".
 Page 5, line 34, delete "goods or services used".
 Page 5, line 34, strike "in connection with".
 Page 5, line 34, strike "the mark;".
 Page 6, line 34, delete "by" and insert "**under**".
 Page 7, line 31, delete "or reasons".
 Page 7, line 33, delete "or reasons".
 Page 7, line 37, delete "application must be reexamined." and insert "**secretary shall reexamine the application**".
 Page 7, line 41, after "which time" insert "**the secretary shall consider**".
 Page 7, line 42, delete "is considered to be abandoned." and insert "**to have been withdrawn**".
 Page 8, line 1, delete "finally refuses" and insert "**issues a final order refusing the**".
 Page 8, line 2, delete "seek a writ of mandamus" and insert "**bring a civil action in a court with jurisdiction**".
 Page 8, line 3, delete "writ" and insert "**court**".
 Page 8, line 3, delete "be granted" and insert "**order the secretary to register a mark**".
 Page 8, line 3, after "secretary" insert ",".
 Page 8, line 6, after "If" insert "**two (2) or more**".
 Page 8, line 40, after "on" insert "**or in connection with**".
 Page 8, delete lines 41 through 42.
 Page 9, line 1, delete "(5)" and insert "**(4)**".
 Page 9, line 2, delete "(6)" and insert "**(5)**".
 Page 9, line 3, delete "(7)" and insert "**(6)**".
 Page 11, line 36, delete "registered" and insert "**filed**".
 Page 15, line 13, after "mark" insert ",".
 Page 15, line 13, after "and" insert "**to**".
 Page 17, line 12, delete "in mandamus".
 Page 17, delete lines 14 through 15.
 Page 17, line 16, delete "(c)" and insert "**(b)**".
 Page 17, line 22, delete "(d)" and insert "**(c)**".
 (Reference is to HB 1353 as reprinted January 24, 2006.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1150, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 3. IC 9-18-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a vehicle required to be registered under this chapter may not be used or operated upon the highways if the motor vehicle displays any of the following:

- (1) A registration number belonging to any other vehicle.
- (2) A fictitious registration number.

(3) A sign or placard bearing the words "license applied for" or "in transit" or other similar signs.

(b) Any other number may be displayed for any lawful purpose upon a:

- (1) motor vehicle;
- (2) trailer;
- (3) semitrailer; or
- (4) recreational vehicle;

in addition to the license plates issued by the bureau under this chapter.

(c) After December 31, 2007, if a vehicle is registered as an antique motor vehicle under IC 9-18-12, an authentic Indiana license plate from the antique vehicle's model year may be displayed on the vehicle under IC 9-18-12-2.5.

SECTION 4. IC 9-18-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) An antique motor vehicle must be registered annually.

(b) The bureau may adopt a:

- (1) registration form; and
- (2) certificate of registration;

to implement this chapter.

(c) After December 31, 2007, a person who:

(1) registers an antique motor vehicle under this chapter; and

(2) wishes to display on the antique motor vehicle an authentic license plate from the model year of the antique motor vehicle under section 2.5 of this chapter;

must pay the required fee under IC 9-29-5-32.5.

SECTION 5. IC 9-18-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) **Except as provided in section 2.5 of this chapter**, the bureau shall issue one (1) license plate to the person who owns an antique motor vehicle that is registered under this chapter.

(b) A license plate for an antique motor vehicle shall be:

- (1) manufactured of embossed steel; and
- (2) painted a cream color.

(c) The lettering imprinted on a license plate issued under this chapter shall:

- (1) be painted in red;
- (2) contain:
 - (A) the registration number assigned to the registration certificate by the bureau; and
 - (B) the words "Historic Motor Vehicle, State of Indiana"; and
- (3) indicate the year for which the antique motor vehicle has been registered.

(d) Instead of issuing a new license plate each time that an antique motor vehicle is registered, the bureau may issue to the person who owns the antique motor vehicle a tag or sticker that indicates the year for which the motor vehicle has been registered.

(e) A license plate issued under this chapter shall be securely attached to the rear of an antique motor vehicle.

SECTION 6. IC 9-18-12-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. (a) After December 31, 2007, a person who registers an antique motor vehicle under this chapter may:**

(1) furnish; and
 (2) display on the antique motor vehicle;
 an Indiana license plate from the model year of the antique motor vehicle.

(b) A license plate furnished and displayed under this section must be an authentic license plate from the model year of the antique motor vehicle.

(c) Before a license plate is mounted on an antique motor vehicle under this section, the license plate must be inspected by the bureau to determine whether the license plate:

- (1) complies with this section;
- (2) is in suitable condition to be displayed; and
- (3) bears a unique plate number at the time of the registration of the antique motor vehicle.

The bureau may prohibit the display of an authentic license plate under this section if the authentic license plate is not in conformance with this subsection.

(d) If an Indiana license plate from the model year of the antique motor vehicle is displayed on a motor vehicle registered as an antique motor vehicle under this chapter, the current certificate of registration of the antique motor vehicle shall be:

- (1) kept at all times in the vehicle; and
- (2) made available for inspection upon the demand of a law enforcement officer.

Notwithstanding IC 9-18-2-21, this subsection is not satisfied by keeping a reproduction of the certificate of registration in the vehicle or making a reproduction of the certificate of registration available for inspection.

(e) The fee to register and display an authentic license plate from the model year of an antique motor vehicle is as provided in IC 9-29-5-32.5.

SECTION 7. IC 9-29-5-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. **Except as provided in IC 9-29-12-2.5(e) and section 32.5 of this chapter**, the registration fee for an antique motor vehicle under IC 9-18-12 is twelve dollars (\$12).

SECTION 8. IC 9-29-5-32.5, AS ADDED BY P.L.233-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32.5. The fee for a personalized license plate under IC 9-18-15 **or for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5** is as follows:

- (1) The applicable excise tax imposed under IC 6-6-5.
- (2) The regular vehicle registration fee imposed under this chapter.
- (3) A state fee of seven dollars (\$7) for the motor vehicle highway account established under IC 8-14-1.
- (4) A service charge of thirty dollars (\$30) for the state license branch fund established by IC 9-29-14-1."

Delete pages 5 through 7.

(Reference is to HB 1150 as reprinted January 18, 2006.)
 and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1076, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1103, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1013, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1049, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1207, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1140, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Tax and Fiscal Policy.

GARTON

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1347, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Education and Career Development.

GARTON

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 16

Senate Concurrent Resolution 16, introduced by Senators Garton and R. Young.

A CONCURRENT RESOLUTION to congratulate Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame.

Whereas, Sam Simmermaker and his wife, Fran, arrived in

Columbus, Indiana in December 1959 for what they believed would be a brief stop on a career path that was headed toward St. Louis;

Whereas, As a life-long St. Louis Cardinals baseball fan, Sam Simmermaker's goal was to one day be the club's sportscaster;

Whereas, Forty-seven years later, Sam Simmermaker's career path has instead made him a legendary sportscaster throughout the listening areas of the WCSI/WKKG radio stations, and specifically in Columbus;

Whereas, Sam Simmermaker has been the voice of the Columbus High School Bull Dogs Basketball Team, beginning with their powerhouse days in the 1960's and continuing through the present;

Whereas, Although high school basketball has seen many changes over the years, Sam has preserved his style, displaying an innate ability to paint a picture for fans when calling play-by-play action and incorporating his knowledge of the community while always maintaining a professional nature;

Whereas, Throughout his long career, Sam has received numerous awards including, the National Sportscasters and Sportswriters Association Indiana Sportscaster of the Year Award in 1976 and 1977 and induction into the Indiana Sportswriters and Sportscasters Hall of Fame in 1998;

Whereas, In 2006, Sam's dedication to the profession of sportscasting is once again being recognized as he is inducted into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner. This award is given to a person who makes a significant contribution to Indiana basketball in a role other than as a player or coach; and

Whereas, The City of Columbus is grateful to have this sports legend and friend as a long-time member of the community: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner.

SECTION 2. That the Indiana General Assembly congratulates Sam Simmermaker on a long and prosperous career in the sportscasting profession and recognizes his accomplishments and contributions to the Columbus, Indiana community.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mr. Sam Simmermaker and family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representatives Yount, Messer, and Koch.

Senate Resolution 7

Senate Resolution 7, introduced by Senator Kenley:

A SENATE RESOLUTION to recognize the success of the Indiana/World Skating Academy and the accomplishments of its students in 2006 National Figure Skating Competition.

Whereas, The Indiana/World Skating Academy, located at the Pan American Plaza in Indianapolis, is one of the best facilities in the world for training to compete in ice sports;

Whereas, Students have year-round access to state of the art training facilities to develop their skills both on and off the ice under the direction of national and world class coaches;

Whereas, Several of the students who have been training for figure skating competition at the Indiana/World Skating Academy qualified to compete at the 2006 Junior Nationals held in Westminster, Colorado, on December 1-6;

Whereas, Cassie Andrews, Nicholas Anderson, Carly Powers, and David Powers, coached by former national Russian figure skating team members Serguei and Elena Zaitsev, qualified to compete in the Juvenile Pairs competition at the National Championships;

Whereas, Each of the pairs gave an outstanding performance with Carly and David placing 6th overall and Cassie and Nicholas capturing the Juvenile Pairs National Championship Title;

Whereas, In addition to competing in the Juvenile Pairs competition, Cassie Andrews also qualified for the Juvenile Ladies division where she finished 12th in the nation;

Whereas, In her first year of competition as a Senior Lady, Abigail Legg qualified to compete in the State Farm U.S. Figure Skating Championships in St. Louis, Missouri, from January 7-15, 2006. With the direction and encouragement of her coach, Pieter Kollen, Abigail skated to a 16th place overall finish in national competition; and

Whereas, Cassie, Nicholas, Carly, David, Abigail, and their coaches are to be commended for their hard work and success achieved in national competition. Each is an outstanding representative of the state of Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate recognizes the figure skaters and coaches from the Indiana/World Skating Academy and congratulates them on their accomplishments at the 2006 National Championships in figure skating.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Serguei Zaitsev, Elena Zaitsev, Pieter Kollen, Cassie Andrews, Nicholas Anderson, Carly Powers, David Powers, and Abigail Legg.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senator Mishler be added as cosponsor of Engrossed House Bill 1142.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1101.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Craycraft and Becker be added as cosponsors of Engrossed House Bill 1150.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1249.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1013.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1280.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be removed as sponsor of Engrossed House Bill 1172 and that Senator Miller be substituted therefor.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second sponsor of Engrossed House Bill 1172.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Drozda and M. Young be added as cosponsors of Engrossed House Bill 1234.

DILLON

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 33

House Concurrent Resolution 33, sponsored by Senators Howard and Breaux:

A CONCURRENT RESOLUTION memorializing Coretta Scott King.

Whereas, Coretta Scott King died on January 31, 2006, at the age of 78;

Whereas, Coretta Scott King had been in failing health for several years following a stroke;

Whereas, Coretta Scott King first gained widespread recognition as the wife of the Reverend Dr. Martin Luther King, Jr.;

Whereas, Coretta Scott King, however, was a tireless advocate for social and political issues in her own right;

Whereas, Coretta Scott King was born into poverty in Heiberger, Alabama, on April 27, 1927, one of three children;

Whereas, Coretta Scott King spent her childhood on her parents' farm in Heiberger, which had been in the family since the Civil War;

Whereas, The Scotts were so hard hit during the Depression that the children picked cotton to help earn money;

Whereas, Coretta Scott King's father, Obediah Scott, was the first black person in the district to own a truck and open a country store;

Whereas, As a young child, Coretta Scott King walked five miles each day to attend the one-room Crossroads School;

Whereas, When she was older, Coretta Scott King studied at Lincoln High School in Marion, Alabama, nine miles away; because this was too far to walk, her mother hired a bus and drove all the black students in the area to and from school;

Whereas, Coretta Scott King was an intelligent, hardworking student who did well in her schoolwork and was at the top of her class when she graduated in 1945;

Whereas, After graduation from high school, she enrolled at Antioch College, Ohio, where her sister Edythe had been the first full-time black student to live on campus;

Whereas, While at Antioch College, Coretta Scott King majored in music and education and took part in a work-study program, acting as a camp counselor, library assistant, and nursery school attendant;

Whereas, Upon graduation in 1951, Coretta Scott King decided to become a professional singer and was accepted by the New England Conservatory of Music in Boston;

Whereas, It was while she was studying at the conservatory she met Martin Luther King, Jr., also a student in Boston at the time; they were married in 1953 and had three children, Martin Luther III, Dexter, and Bernice;

Whereas, When Coretta Scott King graduated from the conservatory, the Kings moved to Montgomery, Alabama, and Martin Luther King, Jr. began his work as a minister;

Whereas, As the wife of a man committed to civil rights, Coretta Scott King did not have the normally quiet life of a minister's wife;

Whereas, With Martin Luther King's increased involvement in the civil rights movement came danger for the King family;

Whereas, The Montgomery bus boycott brought danger home in a terrifying way - the King house was bombed in 1956;

Whereas, Coretta Scott King was a full partner in her husband's work, walking beside him in marches, traveling abroad with him, and giving speeches when he was unable to do so;

Whereas, The threats to Martin Luther King were eventually carried out when, in Memphis, Tennessee, in 1968, he was assassinated;

Whereas, Coretta Scott King carried on with her husband's work when, just four days after his death, she led a march of 50,000 people through the streets of Memphis and took his place in the Poor People's March to Washington;

Whereas, Throughout her life, Coretta Scott King participated in the movement to secure equal rights and justice for all, including having a special audience with the Pope and preaching at St. Paul's Cathedral in London, probably the first woman ever to do so; but her greatest concern was the Martin Luther King Jr. Center for Nonviolent Social Change;

Whereas, Coretta Scott King worked tirelessly to raise funds for the center, which now covers three full blocks and houses a library and archives of the civil rights movement;

Whereas, Throughout her life, Coretta Scott King spoke out against injustice, especially racial injustice, and worked to ensure that her husband's dream of fairness and equality could come true: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the life and accomplishments of a woman who spoke for justice and equality throughout her life. Coretta Scott King faced danger and did not flinch. She spoke out against injustice wherever she saw it. Coretta Scott King will live on in the hearts and minds of people everywhere.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the curator of the Martin Luther King, Jr. Center for Nonviolent Social Change.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 13

Senate Concurrent Resolution 13, introduced by Senator Wyss:

A CONCURRENT RESOLUTION recognizing the Brant family and the Indiana Oxygen Company.

Whereas, Eight years after the commercial production of oxygen began in the United States in 1907, the Indiana Oxygen Company became one of the first producers of the gas in central Indiana;

Whereas, Formed in 1915 by Walter and John Brant, the Indiana Oxygen Company remains a family-run operation and is currently guided by Walter L. Brant II;

Whereas, In 2005, the company received the prestigious "Entrepreneur of the Year" award for its entrepreneurial innovations;

Whereas, Through the guidance of the Brant family, the company has become a leader in the welding gas field and manufactures, sells, and distributes industrial gases, laboratory gases, medical gases, and welding supplies;

Whereas, The company is active in Indiana's growing life science initiative as a supplier to Indiana's medical laboratories, manufacturers, and research facilities;

Whereas, In 1911, the year of the first Indianapolis 500 race, Walter and John Brant, owners of the Indianapolis-based Lozier car agency and future company founders, sponsored two cars in the race;

Whereas, One of the cars, driven by Ralph Mulford, was first runner-up to the Marmon Wasp driven by winner Ray Harroun;

Whereas, After founding the company in 1915, the Brants continued their interest in racing, serving on Otis Porter's technical scoring staff and assisting with timing and pit stop data;

Whereas, The methods and technical procedures of inflating race

car tires with Indiana Oxygen compressed air became a subject of particular interest to the racing teams primarily because the use of compressed air decreased pit times;

Whereas, A short time later, as more sophisticated methods of manufacturing became known, Indiana Oxygen began to play a significant role in the development of advanced technologies through its production of nitrogen gas, the first gas substituted for compressed air for inflating tires in the late 1920s by Firestone;

Whereas, Indiana Oxygen, seeking new uses for gas, pioneered the use of nitrogen for refueling under pressure;

Whereas, From 1937 to 1964, when pressurized refueling was eliminated from the race, Indiana Oxygen continued to provide gases and welding services to the race teams;

Whereas, The Indiana Oxygen Company is statewide with a main headquarters, eight branch locations, 40 distributors, and customers in every state; and

Whereas, Indiana Oxygen has been keeping up with changing business techniques; currently 30% of its sales comes from the Internet: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly acknowledges the contributions the Brant family has made to the economic welfare of our state.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Walter L. Brant II, president of the Indiana Oxygen Company.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Noe.

Senate Concurrent Resolution 29

Senate Concurrent Resolution 29, introduced by Senator Paul:

A CONCURRENT RESOLUTION congratulating Earlham College's Dr. John Iverson for being named the 2005 Indiana Professor of the Year by the Carnegie Foundation for the Advancement of Teaching.

Whereas, The Carnegie Foundation for the Advancement of Teaching and the International Council for Advancement and Support of Education (CASE) have sponsored the Professor of the Year Program to recognize outstanding college and university professors from across the country since 1981;

Whereas, While the Carnegie Foundation accepts nominations of professors from four categories of institutions—community colleges, research universities, and institutions that grant bachelors and

masters degrees—each year, the Professor of the Year Program honors only one professor for each state;

Whereas, Nominees are assessed based on their impact on and involvement with undergraduate students, their scholarly approach to teaching and learning, their contributions to undergraduate education, and testimony from colleagues and current and former students;

Whereas, Dr. John Iverson is a Professor of Biology and Director of the Joseph Moore Museum of Natural History at Earlham College in Richmond, Indiana, where he has been a member of the faculty since 1978;

Whereas, To encourage students to become actively involved in the process of science, Dr. Iverson invites students to accompany him to his three long-term study sites. He attributes his success with students to "maintaining an active, hands-on, year-round research program that involves as many students as possible";

Whereas, Dr. Iverson sees himself as an "assistant in learning" and emphasizes collaboration in order to "learn more and teach better than we possibly could alone." Undergraduate students co-authored more than 40 of the approximately 150 scientific papers he has had published while at Earlham;

Whereas, As one of the world's leading herpetologists, specializing in the study of turtles and iguanas and their respective ecologies, Dr. Iverson has been instrumental, not only in continuing, but also enhancing Earlham's reputation for excellence in the natural sciences;

Whereas, Roughly one-fifth of Earlham's graduates have majored in biology. In addition, Earlham ranks eighth nationally—between Johns Hopkins and the Massachusetts Institute of Technology—in the percentage of its biology majors who have since gone on to earn a Ph.D. in the field; and

Whereas, More than 400 professors from various institutions in 40 states were nominated for consideration by the Carnegie Foundation judges. Dr. John Iverson was recognized as the Indiana Professor of the Year in a ceremony in Washington, D.C. on November 17, 2005: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Dr. John Iverson for being recognized as the 2005 Indiana Professor of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Earlham College President, Douglas Bennett, Independent Colleges of Indiana President, Hans Giesecke, and Dr. John Iverson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pflum, Saunders, and Hoffman.

House Concurrent Resolution 18

House Concurrent Resolution 18, sponsored by Senator Mishler:

A CONCURRENT RESOLUTION congratulating Jimtown High School on the occasion of its victory in the Class 2A state football championship.

Whereas, The Jimtown High School football season ended with one final victory over North Posey, earning the team a Class 2A state football championship;

Whereas, Patience, persistence, and a pair of interceptions helped the Jimtown High School team break open what had been a close game for a 35-7 victory over North Posey for the Class 2A state championship;

Whereas, In addition to this year's victory, the Jimtown football program claimed a Class A title in 1991 and Class 2A titles in 1997 and 1998;

Whereas, The Jimmies were lead by sophomore Ryan Konrath who rushed for 63 yards and two touchdowns, senior Ross Bauman who had a 55-yard punt return, and junior Brian DeShone who had a 76-yard interception for a score; and

Whereas, The Jimmies' 14-1 season is a prime example of hard work and dedication to a goal that can be seen throughout the athletic programs and classrooms of Indiana schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Jimtown High School on an excellent football season that ended with its victory in the Class 2A state football championship and wishes team members continued success in the years ahead.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members, head coach Bill Sharpe, and principal Nate Dean.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 19

House Concurrent Resolution 19, sponsored by Senator Mishler:

A CONCURRENT RESOLUTION honoring the NorthWood High

School football team.

Whereas, NorthWood High School is the 2005 Class 3A state football champion;

Whereas, NorthWood High School became the first team with six losses in the history of the Indiana High School Athletic Association tournament series to win a state championship with its 7-0 win over Indianapolis Bishop Chatard, marking the first time Bishop Chatard had been held scoreless since 2001;

Whereas, The 2005 state championship title is the first for the NorthWood Panthers in their six appearances at the RCA Dome and the school's second state championship in any sport;

Whereas, The victory was the first over Bishop Chatard after three previous championship game meetings;

Whereas, The championship game's only score came when NorthWood freshman quarterback Skyler Titus threw to junior Brant Ehret for a 10-yard touchdown, capping a nine play, 47-yard drive that included two key third down conversions;

Whereas, In the third quarter, NorthWood held Bishop Chatard to only 11 offensive yards on four plays from scrimmage; and

Whereas, Hard work and dedication helped the NorthWood Panthers become state champions, and these attributes will continue to help these talented young people throughout their lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the NorthWood High School Panthers on their outstanding season culminating in the Class 3A state football championship and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members, head coach Rich Dodson, principal Louis Bonacorsi, and superintendent Joe Sabo.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 32 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 26, 27, 32, and 33 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 33 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Lubbers and Merritt be added as coauthors of Senate Concurrent Resolution 13.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Concurrent Resolution 13.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1062.

LAWSON

Motion prevailed.

2:21 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:33 p.m., with Senator Zakas in the Chair.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mryan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman,

Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 33.

HOWARD

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1028, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Corrections, Criminal, and Civil Matters.

GARTON

Report adopted.

2:35 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:40 p.m., with Senator Zakas in the Chair.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 18

Senate Concurrent Resolution 18, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana Congressional Delegation to support legislation calling for federal approval to extend the Lewis and Clark National Historic Trail.

Whereas, The Lewis and Clark Expedition is about President Thomas Jefferson's dream, the planning and preparation required for an early 19th-century military expedition, and then finally about the journey itself; and

Whereas, The Lewis and Clark Expedition met at Clarksville, Indiana and stayed with George Rogers Clark who was the Brother of William Clark; and

Whereas, Clarksville, Indiana was one of the bases of formation and the site of their beginning of the Expedition; and

Whereas, Members of the Indiana Congressional Delegation have supported and been the primary sponsors of legislation before Congress which would have amended the National Trails System Act by extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or the return phase of the expedition; and

Whereas, Members of the Indiana Congressional Delegation will

introduce legislation calling for a feasibility study on extending the Lewis and Clark National Historic Trail to the East; and

Whereas, The Lewis and Clark Trail Heritage Foundation supports recognition of a continuous trail across the country on the National Park Service's official trail map and the right to post the official trail signs – Two Captains Pointing the Way – which are posted throughout the West; and

Whereas, The extension of the Lewis and Clark National Historic Trail from coast to coast would complete the story and expose a broader base of Americans to the educational and cultural aspects of the expedition; and

Whereas, The Lewis and Clark Trail Heritage Foundation believes that the status quo does not adequately recognize Monticello, the home of Thomas Jefferson where he dreamed his vision for America; Washington, D.C., where he shared his dream with Meriwether Lewis; or a variety of other significant places throughout the Eastern Legacy states; and

Whereas, The Lewis and Clark Trail Heritage Foundation partners with the National Park Service, the Bureau of Land Management and the Forest Service in caring for the Lewis and Clark National Historic Trail and also supports scholarships, educational efforts, and research on the expedition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly hereby supports and urges the Indiana Congressional Delegation to support legislation calling for federal approval to extend the Lewis and Clark National Historic Trail.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to each member of the Indiana Congressional Delegation.

The resolution was read in full and referred to the Committee on Natural Resources.

Senate Concurrent Resolution 25

Senate Concurrent Resolution 25, introduced by Senators Hershman and Heinold:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

Whereas, Scott A. Patrick was born September 12, 1975, to Ron and Sandy Patrick;

Whereas, Scott grew up in the Wheatfield area and graduated from Kankakee Valley High School with an academic honors

diploma;

Whereas, Scott then attended the University of Southern Indiana (USI) on an academic and carpenter's scholarship;

Whereas, While attending USI, Scott was a founding member of the Alpha Sigma Phi fraternity and excelled in sports as a starter for the rugby team and a participant in the intramural program;

Whereas, While attending USI, Scott met Melissa Clark, whom he married in July 2000;

Whereas, In January 2000, Scott began his career as an Indiana State Police Trooper, starting at the academy on January 23 and graduating on June 23;

Whereas, Upon graduation, Scott was assigned to the Lowell Post and he and Melissa moved to Valparaiso. Scott loved his job and strove to be the best trooper he could be;

Whereas, Scott was very committed to his family. Just prior to his death, Scott had learned that he was going to become a father and he beamed with pride every time someone mentioned fatherhood;

Whereas, Scott's child will never know the wonderful man who was his father because Scott gave his life protecting the citizens of Indiana; and

Whereas, Scott was a unique individual who touched the lives of everyone he came in contact with and his death leaves an enormous void in the lives of many people: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of Trooper Scott A. Patrick and urges the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Scott's wife, Melissa; his parents, Ron and Sandy; his brothers, Jamie and Sean; and his sister, Dawn.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

Senate Concurrent Resolution 31

Senate Concurrent Resolution 31, introduced by Senators Landske and Rogers:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to study issues pertaining to the well-being of Hoosier children.

Whereas, More Indiana families struggle to pay for basic necessities than the poverty level indicates. In 2004, 4 in 10 Hoosier children and their families had incomes below the Indiana Self-Sufficiency Standard that defines the amount needed to meet a family's basic budget needs;

Whereas, Every Hoosier child will benefit from:

- (1) responsible and caring adult supervision;*
- (2) adequate nutrition;*
- (3) access to adequate clothing;*
- (4) access to affordable basic health care services;*
- (5) safe and nurturing child care;*
- (6) a safe and healthy home;*
- (7) educational opportunities that meet their individual needs;*
- (8) the opportunity to explore a broad range of career options; and*

Whereas, Review by an interim study committee would help ensure that children's needs are prioritized and addressed in an effective and efficient manner. It would also call attention to the roles that a wide array of public and private parties can play in helping to advance the futures of Hoosier children: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the importance of ensuring the well-being of Hoosier children.

SECTION 2. That the issues to be studied by the committee, if established, include, but are not limited to the following:

- (1) The determination of current and projected status across a broad range of basic needs (e.g., food, shelter, education, personal safety, and healthcare);*
- (2) A delineation of social, economic, and financial costs—both public and private, associated with the most serious needs identified;*
- (3) The development of policy recommendations for consideration by the General Assembly; and*
- (4) Any other issues pertaining to the well-being of Hoosier Children as determined necessary by the committee.*

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 9

Senate Resolution 9, introduced by Senator Kruse:

A SENATE RESOLUTION to encourage the development and application of a progressive molecular dissociation process, which

uses materials that might otherwise be classified as wastes, as feedstocks for manufacturing hydrogen and other primary industrial products in Indiana to:

- (a) support other manufacturing, business development, and environmental progress in Indiana; and
- (b) urge cooperation and guidance from:
 - (1) the Departments of Agriculture, Environmental Management, Health, Homeland Security, Labor, Natural Resources, Transportation, and Workforce Development;
 - (2) the Indiana Economic Development Commission, the Indiana Energy Group and the State Chemist; and
 - (3) other departments, offices, agencies and commissions that can help secure the economic, environmental, and strategic benefits that will be enabled.

Whereas, The Indiana Senate, recognizing:

- *the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and*
- *the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the State of Indiana and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to:*
- *foster and promote the general welfare,*
- *create and maintain conditions under which man and nature can exist in productive harmony, and*
- *fulfill the social, economic, and other requirements of present and future generations of Americans; and*

Whereas, In 2003, more than one billion pounds of production-related waste was managed in Indiana; and

Whereas, Progressive molecular dissociation offers a means of manufacturing important industrial products using waste and secondary materials instead of primary fossil fuels and virgin materials as feedstocks; and

Whereas, Progressive molecular dissociation is not incineration, but an extremely high temperature thermal process coupled with an intense ionized plasma stream which is capable of reducing any feedstock material to its most basic elemental form; and

Whereas, Progressive molecular dissociation can reduce the environmental impact and costs for businesses and taxpayers in Indiana; and

Whereas, Progressive molecular dissociation can create new research, business development, educational, and career opportunities for Hoosiers: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate urges the cooperation of all state departments, agencies, offices, and commissions to assist any applicant desiring to locate a progressive dissociation facility in Indiana for the purposes of using materials, which would otherwise be regarded as wastes, as manufacturing feedstocks.

SECTION 2. State organizations are encouraged to meet with prospective applicants, federal government representatives, and representatives of Discovery Park at Purdue University Centers for Advanced Manufacturing, Energy, the Environment, and Nanotechnology to facilitate an understanding of the regulatory requirements and processes and to educate local governments and the Indiana citizenry on the relative benefits of progressive molecular dissociation compared to current alternate practices.

SECTION 3. Departments and agencies are encouraged to carry out, in a timely and expeditious manner, all requests for collaboration with federal departments and agencies, local governments and solid waste management districts, letters of concurrence, waivers or permit applications for such facilities.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Department of Agriculture Director, Andy Miller; Indiana Department of Environmental Management Commissioner, Thomas Easterly; State Health Commissioner, Dr. Judith A. Monroe; Executive Director of Homeland Security, J. Eric Dietz; Department of Labor Commissioner, Miguel Rivera; Department of Natural Resources Director, Kyle Hupfer; Department of Transportation Commissioner, Thomas Sharp; Department of Workforce Development Commissioner, Ron Stiver; State Chemist, Dr. Rodney Noel; Secretary of Commerce, Michael Maurer; and to Lieutenant Governor Becky Skillman for the Indiana Energy Group.

The resolution was read in full and referred to the Committee on Economic Development and Technology.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 13, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 2:41 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate